

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 1-6, 9-10 and 15-20 stand rejected under 35 U.S.C. §102(e) in view of U.S. Patent No: 6,650,742 of *Elliott et al.* ("Elliott").

Claims 7-8 and 11-14 stand rejected under 35 U.S.C. §103(a) in view of *Elliott* and U.S. Patent Application No: 2002/0004800 of *Kikuta et al.* ("Kikuta").

Claims 10-20 have been cancelled.

New claims 21-31 have been added.

Applicant submits that amended claim 1 is not anticipated by *Elliott* because *Elliott* does not disclose identifying a communication channel to a beneficiary of an unwanted communication and sending a communication via the communication channel to the beneficiary as claimed in amended claim 1. Instead, *Elliott* teaches identifying a caller associated with an unwanted telephone call and charging the caller. (*Elliott*, col. 1, lines 58-65). It is submitted that charging a caller does not anticipate sending a communication via an identified communication channel as claimed in amended claim 1.

*Elliott* discloses a telephone network 100 with a central office (CO) 140 and a service control point (SCP) 160 (*Elliott*, col. 2, lines 50-54) and teaches that the CO 140 generates a packet of information regarding an unwanted call (*Elliott*, col. 4, lines 48-52) and that the SCP 160 extracts a caller ID from the packet (*Elliott*, col. 4, lines 57-64). But rather than send a communication via the identified communication channel, i.e. place a call using the identified caller ID, the SCP 160 notifies a local telephone company (*Elliott*, col. 5, lines 31-40) which bills the identified caller (*Elliott*, col. 5, lines

41-42).

It is therefore respectfully submitted that the method for defense against an unwanted communication of amended claim 1 that includes identifying a communication channel to a beneficiary of an unwanted communication and sending a communication via the identified communication channel to the beneficiary is not anticipated by the teaching in *Elliott* of identifying a caller and charging the caller.

Given that claims 2-9 depend from amended claim 1, it is submitted that claims 2-9 are not anticipated by *Elliott*.

It is also submitted that claims 7-8 are not obvious in view of *Elliott* and *Kikuta*. Claims 7-8 depend from amended claim 1 and *Elliott* and *Kikuta* do not disclose or suggest a method for defense against an unwanted communication that includes identifying a communication channel to a beneficiary of an unwanted communication and sending a communication via the identified communication channel to the beneficiary as claimed in amended claim 1. Applicant has shown above that *Elliott* teaches charging a caller rather than sending a communication via an identified communication channel to a beneficiary as claimed in amended claim 1. *Kikuta* discloses an electronic notary system (*Kikuta*, paragraph 0014) rather than a method for defense against an unwanted communication as claimed in amended claim 1.

It is further submitted that new claim 21 is not anticipated or obvious in view of the references cited by the Examiner. New claim 21 is a defense coordinator that identifies a communication channel to a beneficiary of an unwanted communication and that performs a strike back against the beneficiary by sending a communication via the communication channel to the beneficiary. *Elliott* and *Kikuta* do not disclose

or suggest a strike back against a beneficiary of an unwanted communication by sending a communication via an identified communication channel to the beneficiary as claimed in new claim 21. Instead, *Elliott* teaches charging a caller (*Elliott*, col. 1, lines 58-65) and *Kikuta* discloses an electronic notary system (*Kikuta*, paragraph 0014).

Given that new claims 22-25 depend from new claim 21, it is submitted that new claims 22-25 are not anticipated or obvious in view of *Elliott* and *Kikuta*.

Applicant further submits that new claim 26 is not anticipated or obvious in view of the references cited by the Examiner. New claim 26 is a distributed strike back system that includes a recipient system of an unwanted communication and a defense coordinator that determines a set of strike back parameters that identify a communication channel to a beneficiary of the unwanted communication such that the recipient system performs a strike back against the beneficiary by sending a communication via the communication channel to the beneficiary. *Elliott* and *Kikuta* do not disclose or suggest a strike back against a beneficiary of an unwanted communication by sending a communication via an identified communication channel to the beneficiary as claimed in new claim 26. Instead, *Elliott* teaches charging a caller (*Elliott*, col. 1, lines 58-65) and *Kikuta* discloses an electronic notary system (*Kikuta*, paragraph 0014).

Given that new claims 27-31 depend from new claim 26, it is submitted that new claims 27-31 are not anticipated or obvious in view of *Elliott* and *Kikuta*.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

Respectfully submitted,

Date: 3-21-05

By:



Paul H. Horstmann  
Reg. No.: 36,167